



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 4a

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Memorandum

TO: Legislation Committee

DATE: May 2, 2008

FR: Executive Director

RE: AB 2650 (Carter) – Environmental Review Process: Reports

Description

AB 2650 (Carter) extends until 2010 the state's existing limited waiver of its "sovereign immunity" from lawsuits, thereby enabling Caltrans to continue its assumption of National Environmental Policy Act (NEPA) responsibilities under an ongoing federal pilot program. The bill also extends to January 2009 the date by which Caltrans must report to the Legislature with a comparison of the environmental review process with and without the NEPA delegation progress, and adds a second reporting date of January 2010.

Recommendation: Support and seek amendments

Discussion

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) establishes a Surface Transportation Project Delivery Pilot Program wherein five states (including California) may assume federal responsibilities under NEPA. The pilot program is intended to streamline the process for reviewing transportation projects by allowing Caltrans to assume FHWA's responsibilities for approvals and consultations under NEPA and other federal laws while maintaining all federal environmental protections.

AB 1039 (Nunez), Chapter 31, Statutes of 2006, was the original, enabling legislation for the pilot program. Caltrans and FHWA, however, did not finalize their agreement to implement the program until August 2007, nearly a year into the 2-year pilot program.

According to MTC's Programming and Allocations staff, this program has proven to be highly effective for expediting large projects with a statewide impact. This progress, however, appears to have come in part at the expense of staffing for Caltrans' local assistance, which in turn has slowed down environmental reviews for local federal-aid projects.

While we support the overall thrust of this streamlining legislation, we recommend including language stating that Caltrans should give equal priority to environmental review of local or regional transportation projects.

Known Positions

Support

Calaveras Council of Governments
Caltrans (Sponsor)
City of Merced
Consulting Engineers and Land Surveyors of California

Oppose

None

Steve Heminger